

FAMILY
DOMESTIC RELATIONS UNIT
CASE ACCEPTANCE GUIDELINES
2010

I. Threshold Eligibility Issues For Opening an Advice and Counsel Case

- a. Caller or caller's child/ren is/are domestic violence or sexual assault survivor/s
 - i. Exceptions
 - 1. VLSP cases should be opened and scheduled on VLSP calendar despite lack of DV
 - 2. Same sex cases in SF and AL should be referred to Jerel and Alana if there is no DV
- b. Caller meets all eligibility criteria (including analysis of OPs financial condition for DV excn and/or fee generating issue)

II. Compelling Factors to consider in determining if advice and counsel client may be scheduled

On a case-by-case basis, the advocate will weigh the following compelling factors and use his/her best judgment to determine if the client should be scheduled. The client need not have all factors, but may have a combination of one or more factors.

- a. Recent (within 2-3 months) escalation of violence or renewed fear of harm
- b. Limited English client who will not be able to avail him/herself of the court system because of limited English
- c. Mental or physical disability that obviously limits access to court system
- d. Child/ren with disabilities and caring for child/ren has a severe impact on custodial parent
- e. Teenager no older than 19 years of age
- f. Low literacy
- g. Severe violence which may be a single severe physical injury, multiple incidents, use of a weapon, or threats of death or suicide
- h. Severe isolation
- i. Kidnapping of client or child/ren
- j. Interstate custody issues prompted by client fleeing domestic violence
- k. Same sex cases
- l. CPS involved in case but no current dependency case opened
- m. Sexual assault or stranger rape

III. Other issues to consider prior to scheduling

These issues are not part of the "compelling factors" analysis. These issues may none the less make a compelling case, more or less schedulable.

- a. Veracity of client
- b. Merits of case
- c. Overly litigious client – multiplicity of motions
- d. Prior counsel
- e. Any sanctions against client

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- f. Insufficient time to assist
- g. Representation may significantly impact clients case with minimal efforts by advocate
- h. Client's expectations – relief sought is or is not appropriate and reasonable under circumstances

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SERVICE	Oakland	San Francisco	San Mateo	Santa Clara	Contra Costa	Marin	Napa
Contested Divorce (Including: div defense, Pre-Decree relief and any other div hearing)	Yes	Yes	Yes	Yes	Yes	No	No
Uncontested Divorce	Yes	Yes	Yes	Yes	Yes	No	No
Paternity Custody Only	Yes	Yes	Yes	Yes	Yes	No	No
Assistance to Self-Represented Litigants to Prepare TRO Requests (refer to clinics)	No	No	No	No	No	No	No
TRO Hearing representation, including modification of restraining orders	Yes	Yes	Yes	Yes	Yes	No	No
Civil Injunction Against Harassment (sexual assault only)	Yes	Yes	Yes	Yes	Yes	No	No
Child Abduction	Yes	Yes	Yes	Yes	Yes	No	No
Child Support+ (establish, modify or enforce)	No	No	No	No	No	No	No
Modification or Enforcement of Custody/ Visitation in Divorce Decree or Paternity Judgment <i>Including Move Away</i>	Yes	Yes	Yes	Yes	Yes	No	No
CPS/Juvenile Dependency Cases	No	No	No	No	No	No	No
Guardianship of Minor	No	No	No	No	No	No	No
Foster Parent Problems	No	No	No	No	No	No	No
Conservatorship	No	No	No	No	No	No	No
Adoption	No	No	No	No	No	No	No
Powers of Attorney	No	No	No	No	No	No	No
Advanced Health Care Directives (formerly called Living Wills)	No	No	No	No	No	No	No
Wills / Estate Planning	No	No	No	No	No	No	No

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SERVICE	Oakland	San Francisco	San Mateo	Santa Clara	Contra Costa	Marin	Napa
Elder Abuse	No	No	No	No	No	No	No
VAWA	Yes*	Yes*	Yes*	Yes*	Yes*	Yes**	Yes**
U Visa	Yes*	Yes*	Yes*	Yes*	Yes*	Yes**	Yes**
I-751	Yes*	Yes*	Yes*	Yes*	Yes*	Yes**	Yes**
Safety Planning/Crisis	No	No	No	No	No	No	No
Name Changes	Yes+	Yes+	Yes+	Yes+	Yes+	No	No
Social Security Number Changes	Yes+	Yes+	Yes+	Yes+	Yes+	No	No

***Immigration cases fall into two categories. First, if the client has a current or prior BayLegal case in any area of law (excluding solely an advice and counsel LAL case) then the client may be scheduled in a local office family law appointment slot. If the client does not have a current or prior BayLegal case or only has an LAL advice and counsel only case, then the client may be scheduled on an Immigration Only calendar for possible pro bono placement.**

****Schedule only in Immigration Only calendar**

+These issues may be dealt with as part of the primary case, but should not be scheduled if sole issue